

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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CHRISTOPHER GOODVINE,

Plaintiff,

v.

SHERIFF RICHARDS, ET AL.,

Defendants.

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ORDER

18-cv-259-wmc

Plaintiff Christopher Goodvine contends that Columbia County Jail staff violated his constitutional rights during an altercation that took place on October 22, 2015. On August 29, 2019, defendants filed a motion to dismiss Goodvine's complaint pursuant to Federal Rule of Civil Procedure 37, for Goodvine's failure to: (1) respond to the court's order on his motion to compel; (2) respond to their communications; (3) appear for a properly noticed deposition; and (4) update them and the court as to his new address. (Dkt. #55.) In addition to dismissing this action with prejudice, defendants also requested that the court stay all proceedings in this action pending resolution of the motion, and order defendants their costs and reasonable attorney's fees incurred as a result of Goodvine's failure to appear for the deposition, pursuant to Federal Rule of Civil Procedure 37(d). The court granted defendants' request for a stay, and set September 9, 2019, as Goodvine's deadline to respond to that motion.

On September 19, 2019, after that deadline passed and Goodvine had neither responded to the motion nor contacted the court seeking an extension of that deadline, the court issued an order explaining that it was inclined to grant defendants' motion but

would give him until October 3, 2019, to file an opposition to defendants' motion to dismiss. (Dkt. #59.) That deadline, too, has passed, and still Goodvine has failed to file an opposition or contact the court in any way. Accordingly, at this juncture, the court agrees that dismissal of this action with prejudice under Federal Rule of Civil Procedure 37 is appropriate. However, since dismissing this action with prejudice is a sufficient sanction in these circumstances, the court is denying defendants' Rule 37(d) request for fees and costs.

#### ORDER

IT IS ORDERED that:

- 1) Defendants' motion to dismiss (dkt. #55) is GRANTED in part and DENIED in part, as provided above.
- 2) Plaintiff's complaint is DISMISSED with prejudice.
- 3) The clerk of court is directed to enter judgment in defendants' favor and close this case.

Dated this 9th day of October, 2019.

BY THE COURT:

/s/

WILLIAM M. CONLEY  
District Judge